

AMENDED IN SENATE JULY 9, 2013
AMENDED IN ASSEMBLY MAY 8, 2013
AMENDED IN ASSEMBLY APRIL 23, 2013
AMENDED IN ASSEMBLY APRIL 9, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 114

**Introduced by Assembly Members Salas and V. Manuel Pérez
(Coauthors: Assembly Members Alejo, Brown, Gomez, Holden,
Perea, and Quirk-Silva)**

January 14, 2013

An act to add Chapter 6 (commencing with Section ~~26240~~ 26250) to Division 16.3 ~~of, and to repeal Section 26243 of,~~ of the Public Resources Code, relating to energy.

LEGISLATIVE COUNSEL'S DIGEST

AB 114, as amended, Salas. Proposition 39: implementation: workforce development.

The California Clean Energy Jobs Act, an initiative approved by the voters at the November 6, 2012, statewide general election as Proposition 39, made changes to corporate income taxes and, except as specified, provides for the transfer of \$550,000,000 annually from the General Fund to the Clean Energy Job Creation Fund for 5 fiscal years beginning with the 2013–14 fiscal year. Moneys in the Clean Energy Job Creation Fund are available, upon appropriation by the Legislature, for purposes of funding eligible projects that create jobs in California, improving energy efficiency and expanding clean energy

generation. Existing law, among other things, provides for allocation of available funds to job training and workforce development.

Existing law appropriates \$3,000,000 from the fund to the California Workforce Investment Board to develop and implement a competitive grant program for eligible community-based and other training workforce organizations preparing disadvantaged youth or veterans for employment.

~~This bill would additionally require the Labor and Workforce Development Agency, in consultation with specified entities, to develop and implement the Clean Energy Jobs and Workforce Development Program to award grants to eligible entities, as defined, for projects to provide job training on energy efficiency and clean energy projects that serve low-income or unemployed residents of economically disadvantaged communities. The bill would require the agency, after the first year of program implementation, to review and assess the effectiveness of the program, identify problems and barriers to achieving the workforce development goals of the act, and develop solutions to improve program performance. The bill would, for each fiscal year in which revenue is deposited into the fund, make available 9.6% of the revenue, upon appropriation by the Legislature, to the agency for the purposes of providing to eligible entities grants California Workforce Investment Board to require a grant recipient to report to the board specified information. The bill would require the board, after the first year of implementation of the program, to review and assess the program in achieving the job training and workforce development goals, identify problems and barriers, and provide solutions to improve program performance.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Chapter 6 (commencing with Section 26250) is
2 added to Division 16.3 of the Public Resources Code, to read:

3
4 CHAPTER 6. JOB TRAINING AND WORKFORCE DEVELOPMENT

5
6 26250. In addition to the requirements of Section 26230, the
7 California Workforce Development Board shall do both of the
8 following:

1 (a) *Require grant recipients to do both of the following:*

2 (1) *Report to the California Workforce Development Board the*
3 *number of individuals trained, their demographic and geographic*
4 *profile, the number of training completions, the cost of training*
5 *per individual, the number and type of credentials and certificates*
6 *awarded, the number of trainees enrolled in state-certified*
7 *apprenticeship programs, and the number of job placements and*
8 *retention after six months for trainees and job characteristics of*
9 *the placements, including industry, occupation, and wages and*
10 *benefits.*

11 (2) (A) *Disclose if the grant recipient is receiving incentives*
12 *for energy efficiency or clean energy job training projects from*
13 *other local, state, and federal programs.*

14 (B) *A grant recipient's receipt of incentives from other local,*
15 *state, and federal programs does not preclude the grant recipient*
16 *from receiving, or reduce the amount of, a grant awarded pursuant*
17 *to the competitive grant program developed pursuant to Section*
18 *26230.*

19 (b) *Review and assess, after the first year of implementation of*
20 *the competitive grant program developed pursuant to Section*
21 *26230, whether the program is achieving the job training and*
22 *workforce development goals, identify problems and barriers to*
23 *achieving those goals, and provide solutions to improve program*
24 *performance.*

25 ~~SECTION 1. (a) The Legislature finds and declares all of the~~
26 ~~following:~~

27 ~~(1) With the passage of the California Clean Energy Jobs Act~~
28 ~~(Division 16.3 (commencing with Section 26200) of the Public~~
29 ~~Resources Code) at the November 6, 2012, statewide general~~
30 ~~election, the people of California declared their intent to transfer~~
31 ~~five hundred fifty million dollars (\$550,000,000) annually, for~~
32 ~~fiscal years 2013=14 to 2017=18, inclusive, for purposes of funding~~
33 ~~energy efficiency projects in public schools, universities, and other~~
34 ~~public facilities, for job training and workforce development, and~~
35 ~~for specified public-private partnerships.~~

36 ~~(2) The California Clean Energy Jobs Act also establishes the~~
37 ~~Citizens Oversight Board to review all expenditures from, to~~
38 ~~commission and review audits of, and to otherwise maintain~~
39 ~~accountability for the expenditure of, those funds.~~

1 ~~(3) California has some of the finest solar, wind, and geothermal~~
2 ~~resources in the world, giving California the opportunity to lead~~
3 ~~the United States in the development of renewable energy~~
4 ~~technologies and the creation of green collar jobs.~~

5 ~~(4) A 2006 analysis performed by the Renewable Energy Policy~~
6 ~~Project looked at the employment gains in the United States and~~
7 ~~found, of the 50 states, California has the greatest potential to~~
8 ~~generate renewable energy manufacturing activity.~~

9 ~~(5) In addition to renewable energy opportunities, California~~
10 ~~has also pioneered energy efficiency through appliances and~~
11 ~~utilization standards and continues to find new and innovative~~
12 ~~ways to reduce greenhouse gas emissions.~~

13 ~~(6) The California Workforce Investment Board, within the~~
14 ~~Labor and Workforce Development Agency, has established the~~
15 ~~Green Collar Jobs Council pursuant to Section 15002 of the~~
16 ~~Unemployment Insurance Code. The council is tasked with~~
17 ~~understanding the current and future workforce needs of the green~~
18 ~~and clean energy economy, developing a comprehensive strategy~~
19 ~~to prepare California's workforce to meet the needs of businesses~~
20 ~~supporting the economy, and ensuring that efforts aimed at~~
21 ~~improving workers' skills are coordinated and effective.~~

22 ~~(b) It is the intent of the Legislature in enacting this act to~~
23 ~~establish the Clean Energy and Jobs Workforce Development~~
24 ~~Program that would be administered by the Labor and Workforce~~
25 ~~Development Agency to oversee the implementation of the goal~~
26 ~~of the California Clean Energy Jobs Act related to job training and~~
27 ~~workforce development.~~

28 ~~SEC. 2. Chapter 6 (commencing with Section 26240) is added~~
29 ~~to Division 16.3 of the Public Resources Code, to read:~~
30

31 ~~CHAPTER 6. JOB TRAINING AND WORKFORCE DEVELOPMENT~~
32

33 ~~26240. For the purposes of this chapter, the following terms~~
34 ~~mean the following:~~

35 ~~(a) "Agency" means the Labor and Workforce Development~~
36 ~~Agency.~~

37 ~~(b) "Eligible entity" means the California Conservation Corps,~~
38 ~~certified community conservation corps, YouthBuild, and other~~
39 ~~organizations with existing workforce development programs to~~

1 ~~train and employ disadvantaged youth, veterans, and others on~~
2 ~~energy efficiency and clean energy projects.~~

3 ~~(e) "Program" means the Clean Energy Jobs and Workforce~~
4 ~~Development Program.~~

5 ~~26241. (a) The agency shall develop and implement the Clean~~
6 ~~Energy Jobs and Workforce Development Program.~~

7 ~~(b) In developing and implementing the program, the agency~~
8 ~~shall do all of the following:~~

9 ~~(1) Establish and implement a procedure to set explicit goals,~~
10 ~~identify performance metrics, institute a data tracking system, and~~
11 ~~evaluate outcomes, including, quantity, quality, access, and the~~
12 ~~demographic and geographic distribution of workers trained by~~
13 ~~an eligible entity, particularly those in entry-level jobs.~~

14 ~~(2) Ensure the program is complementary and not duplicative~~
15 ~~of other similar statewide job training programs.~~

16 ~~(3) (A) Administer grants to eligible entities for the purposes~~
17 ~~of workforce development and job training on energy efficiency~~
18 ~~and clean energy projects.~~

19 ~~(B) The agency shall, in consultation with the Chancellor of the~~
20 ~~California Community Colleges, the State Department of~~
21 ~~Education, the State Energy Resources Conservation and~~
22 ~~Development Commission, and the Public Utilities Commission,~~
23 ~~develop a competitive process to award grants to eligible entities,~~
24 ~~and evaluate and select applications for grants.~~

25 ~~(4) Require an eligible entity receiving a grant pursuant to this~~
26 ~~chapter to submit to the agency an annual report on the quantity~~
27 ~~and quality of jobs created, including the wages and benefits, and~~
28 ~~the demographic and geographic profile of workers, the number~~
29 ~~of workers trained, the number of training completions, the cost~~
30 ~~of training per worker, the number and type of credentials and~~
31 ~~certificates awarded, number of trainees enrolled in state-certified~~
32 ~~apprenticeship programs, and the number of job placements for~~
33 ~~trainees.~~

34 ~~(e) (1) A project eligible for a grant pursuant to this chapter~~
35 ~~shall serve low-income or unemployed residents of an economically~~
36 ~~disadvantaged community. The agency shall give priority to~~
37 ~~projects as following:~~

38 ~~(A) First priority shall be given to projects providing job training~~
39 ~~or preapprenticeship jobs on energy efficiency and clean energy~~
40 ~~projects to disadvantaged youth, women, veterans, or persons~~

1 currently in military service, or bridge programs like the California
2 Conservation Corps, certified community Conservation Corps,
3 YouthBuild, and other community-based training apprenticeships
4 or jobs in the energy efficiency and clean energy sectors.

5 (B) ~~Second priority shall be given to projects providing upgraded~~
6 ~~training on energy efficiency and clean energy projects to~~
7 ~~incumbent workers enrolled in, or graduated from, state-certified~~
8 ~~apprenticeship programs or to training projects that provide energy~~
9 ~~efficient and clean energy specific training to incumbent school~~
10 ~~employees who are responsible for operation of school facilities.~~

11 (2) In awarding the grants, the agency shall give priority to
12 projects that include one or more of the following elements:

13 (A) ~~Training to perform specific skills related to energy~~
14 ~~efficiency and clean energy that is embedded in, or linked to, a~~
15 ~~broader occupational training program.~~

16 (B) ~~Training that leads to industry-recognized credentials and~~
17 ~~certificates that, to the extent possible, provide college credits or~~
18 ~~are linked to credit-bearing programs.~~

19 (C) ~~Training that expands the utilization of state-approved~~
20 ~~apprenticeship programs and other learn-and-earn models that~~
21 ~~promote industry-recognized skills and credentials.~~

22 (D) ~~Training that demonstrates a high probability of placement~~
23 ~~of trainees into career track jobs.~~

24 (d) (1) ~~An entity requesting a grant shall disclose if the entity~~
25 ~~is receiving incentives for energy efficiency or clean energy job~~
26 ~~training projects from other local, state, and federal programs.~~

27 (2) ~~The requirement for disclosure pursuant to this subdivision~~
28 ~~does not preclude an entity from receiving a grant pursuant to this~~
29 ~~chapter or reduce the amount of grant awarded.~~

30 (e) ~~For the purposes of reporting job creation, an entity receiving~~
31 ~~a grant pursuant to this chapter shall report to the agency the~~
32 ~~numbers of direct full-time jobs created as a result of the grant and~~
33 ~~the job-years for each job created.~~

34 26242. The agency shall, after the first year of implementation
35 of the program, review and assess whether the program is achieving
36 the job training and workforce development goals specified in this
37 division, identify problems and barriers to achieve those goals,
38 and provide solutions to improve program performance.

39 26243. (a) By July 1, 2015 and by each July 1 annually
40 thereafter until July 1, 2018, the agency shall post on its Internet

1 Web site, and, pursuant to Section 9795 of the Government Code,
2 submit to the Legislature, a report that compiles the annual reports
3 submitted by eligible entities receiving grants pursuant to this
4 chapter.

5 (b) Pursuant to Section 10231.5 of the Government Code, this
6 section is repealed on January 1, 2023.

7 26244. For each fiscal year in which revenue is deposited into
8 the Job Creation Fund, 9.6 percent of the revenue shall be available;
9 upon appropriation by the Legislature, to the agency for the
10 purposes of providing to eligible entities grants.

11 26245. Subject to subdivision (f) of Section 26206, this chapter
12 does not affect the eligibility of an eligible entity to receive other
13 incentives available from federal, state, or local government, or
14 other public and private sources.